

EDWARD H. KUBO, JR. 2499
United States Attorney
District of Hawaii

R. MICHAEL BURKE 1902
Assistant U.S. Attorney
Room 6-100, PJKK Federal Bldg.
300 Ala Moana Boulevard
Honolulu, HI 96850
Telephone: 541-2850
Facsimile: 541-3752
E-mail: Mike.Burke@usdoj.gov

Attorneys for Defendant
Secretary, U.S. Air Force

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

PETER G. SEBALA,)	CIVIL NO. 04-00404 SPK-LEK
)	
Plaintiff,)	ADDENDUM TO CONCISE STATEMENT
)	IN SUPPORT OF DEFENDANT'S
vs.)	MOTION FOR SUMMARY JUDGMENT;
)	EXHIBITS "16" THROUGH "21";
JAMES G. ROCHE, DR.,)	CERTIFICATE OF SERVICE
SECRETARY, DEPARTMENT OF THE)	
AIR FORCE,)	DATE: January 27, 2005
)	TIME: 9:00 a.m.
Defendants.)	JUDGE: Samuel P. King
)	
)	

ADDENDUM TO CONCISE STATEMENT IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

Pursuant to Local Rule 56.1, of the Local Rules of Practice for the United States District Court for the District of Hawaii, defendant Secretary of the Air Force hereby submits its addendum to the concise statement of material facts in support of its motion for summary judgment.

DEFENDANT'S STATEMENT OF FACTS

<u>FACTS</u>	<u>EVIDENTIARY SUPPORT</u>
1. The Plaintiff submitted their exhibit list detailing 131 documents intended to be introduced into evidence.	See Ex 16.
2. After the Plaintiff was not selected for the Mobile Equipment Servicer position, he contacted the selecting official, Mr. Randall Nunes, via telephone. The Plaintiff made handwritten notes of the conversation annotating that Mr. Nunes told him he hired the "best qualified" person for the position. See Plaintiff's Exhibit 69.	See Ex 17.
3. On 5 September 2002, Mr. Nunes had a conversation with the Plaintiff about an altercation that had occurred between them a few days earlier. The Plaintiff had demonstrated insubordinate behavior to Mr. Nunes when Mr. Nunes asked for verification of his sick leave. Mr. Nunes created a Memorandum for Record contemporaneous with this incident. See Plaintiff's Exhibit 90.	See Ex 18.
4. The Plaintiff demonstrated insubordinate behavior towards Mr. Eassie Soares-Haae while Mr. Soares-Haae was an acting supervisor. Mr. Soares-Haae wrote a Memorandum documenting this incident. See Plaintiff's Exhibit 91.	See Ex 19.
5. The incident where the Plaintiff had acted insubordinate regarding his sick leave was documented by Mr. Nunes in the Plaintiff's Air Force Form 971 personnel document. See Plaintiff's Exhibit 96.	See Ex 20.
6. The Plaintiff has admitted under oath that he had a verbal dispute with Mr. Nunes.	See Ex. 21.

DATED: January 26, 2006 at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

/s/ R. Michael Burke

By _____
R. MICHAEL BURKE
Assistant U.S. Attorney

Attorneys for Defendant
Secretary of the Air Force

Of Counsel:

Erin Bree Wirtanen, Maj, USAF
Trial Attorney
Air Force Legal Services Agency
General Litigation Division
1501 Wilson Blvd., 7th Floor
Arlington, VA 22209-2403
Telephone: (703) 696-9121
Facsimile: (703) 696-8446

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

PETER G. SEBALA,) CIVIL NO. 04-00404 SPK-LEK
)
 Plaintiff,) CERTIFICATE OF SERVICE
)
)
 vs.)
)
)
JAMES G. ROCHE, DR.,)
SECRETARY, DEPARTMENT OF THE)
AIR FORCE,)
)
)
 Defendant.)
)
)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served upon the following at their last known address:

Served by Hand Delivery January 26, 2006

Venetia K. Carpenter-Asui, Esq.
Haseko Center
820 Mililani Street, Suite 812
Honolulu, Hawaii 96813

Attorney for Plaintiff
Peter G. Sebala

DATED: January 26, 2006, at Honolulu, Hawaii.

/s/ Myra Y. Peterson